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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,743	05/20/2004	Perry MacNeille	202-0642 (FGT 1884 PA)	8581

7590 09/27/2007
Jeffrey J. Chapp
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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

MAIL DATE	DELIVERY MODE
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09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/849,743

Applicant(s)

MACNEILLE ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5,8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This Office Action is the answer to the communication received on 5/20/2004.
2. Claims 1-20 are pending in the present application.

Drawing Objections

3. This application includes eight sheets of formal drawings; however, the same reference numbers for different objects/components are used on a figure would give confusions. According to current practice, these reference numbers should have different representations (see figures 1-5, 7, and 8-9; e.g., FIG.1 has 2 refs. For “10”, FIG.2 has 2 refs. For “24” .etc).

Claim Rejections - 35 USC § 112

4. Independent claims 2-5, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

A. As per claims 2-3: “...controller is coupled to a vehicle network” is a limitation (see claim 2, line 2); however, a definition for “a vehicle network” here is unclear and vague in the disclosure (in claim 3, the applicant defines that “vehicle network”; however, it means that several vehicles moving together in a group – not “a vehicle network”).

B. As per claims 4-5, one OFDM transceiver is use (see “at least one OFDM transceiver” in claim 4, line 4 – this limitation is assumed as “one OFDM transceiver”); however, in claim 5 that one OFDM transceiver comprises:

- a first OFDM transceiver; and
- a second OFDM transceiver.

This limitation is unclear because there are “two” OFDM transceivers.

Claim 4 also lacks an antecedent basis with a limitation of “... said at least one GPS...” since “GPS” is not referred to yet.

C. As per claim 8: “at least one object range signal” (see in claim 8, line 5); the examiner fails to see a second range signal is needed in that claim’s context – in other words, where the specification requires a “second range signal” or a “second controller” such that claim 8 requires “at least one” phrase(s). Accuracies in claiming are required because claim 8’s limitation is unclear with the use of “at least one”.

Restriction

5. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-17 are drawn to an object relative status determination system for a vehicle, classified in class 340, subclass(es) 901, 903.

II. Claims 18-20 is drawn to a method of determining object information relative to a vehicle, classified in class 701, subclass 300 (a subject matter of “RELATIVE LOCATION”).

6. The above inventions are distinct, each from the other because of the following reason(s): Inventions of a system with physical components (i.e., comprising an OFDM transceiver, and a controller), and a method comprising steps to obtain/get and using corresponding information are related as apparatus, and process for its practice. The inventions are distinct if it can be shown that either: (1) to a method of determining object information relative to a vehicle as claimed can be practiced by another materially different apparatus or by hand, or (2) an object relative status determination system for a vehicle, as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case (II) above shows a broad method invention that could be used with different communication systems having OFDM transceiver(s) for determining object information such as a mobile phone system.

7. Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

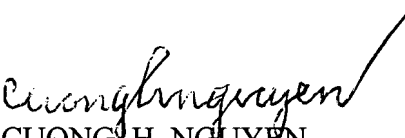
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759; email address is cuong.nguyen@uspto.gov. The examiner can normally be reached on 9:00 am - 5:30 pm. Mon. – Tues., and Thurs. – Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

S.N. 10/849,743
Art Unit 3661


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661